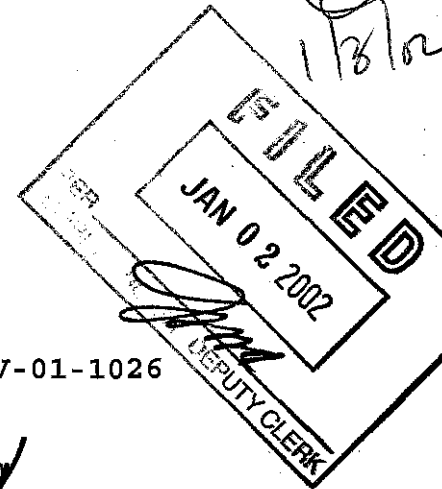


ORIGINAL



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|---------------------------|
| JEROME SMITH, | : | |
| Plaintiff | : | Civil No. 1:CV-01-1026 |
| | : | |
| v. | : | |
| | : | (Judge Rambo) ✓ |
| UNITED STATES OF AMERICA, | : | (Magistrate Judge Smyser) |
| Defendants | : | |

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Fed. R. Civ. P. 6(b), defendant requests the Court for a 7-day enlargement within which to file a response to Plaintiff's Objections and Accord to Magistrate Judge's Report and Recommendation. Defendant states the following in support thereof:

1. Plaintiff, Jerome Smith, is an inmate currently incarcerated at the Allenwood Federal Prison Camp in Montgomery, Pennsylvania ("FPC Allenwood").

2. Smith's complaint is a combined Federal Tort Claims Act ("FTCA") and Bivens¹ alleging that Smith was subjected to inadequate medical care, deliberate indifference to his serious

¹ Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971).

medical needs and medical negligence generally; that defendants failed to follow recommendations in violation of Bureau of Prisons ("BOP") policy; and that defendants failed to provide treatment.

3. By order of July 10, 2001, Smith's Bivens claims were dismissed, Smith's FTCA claim against the BOP was dismissed, and the BOP was removed as a defendant.

4. Defendant filed a motion to dismiss or for summary judgment, and a brief in support of this motion was filed on September 12, 2001.

5. A Report and Recommendation was filed by the Honorable J. Andrew Smyser, Magistrate Judge, on December 5, 2001.

6. On December 19, 2001, defendant filed its objections to the Report and Recommendation.

7. Smith filed "Plaintiff's Objections and Accord to Magistrate Judge's Report and Recommendation" with a certificate of service stating that defendant was served on December 18, 2001.

8. Smith's responsive pleading was not received by the United States Attorney's Office until December 28, 2001.

9. Counsel for the United States is out of the office from December 28, 2001, until January 2, 2001.

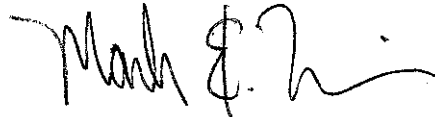
10. Counsel for defendant will need to consult with legal counsel at the Bureau of Prisons before filing a responsive pleading.

11. Defendant submits that Smith will not be prejudiced by this enlargement of time.

WHEREFORE, defendant request an enlargement of time until January 9, 2002, in which to file its responsive pleading. Counsel certifies that he has not sought the concurrence of plaintiff because plaintiff is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

A handwritten signature in black ink, appearing to read "Mark E. Morrison".

MARK E. MORRISON
Assistant U.S. Attorney

ANITA L. LIGHTNER
Paralegal Specialist
225 Walnut Street, 2nd Floor
P.O. Box 11754
Harrisburg, PA 17108-1754
(717)221-4482

Dated: January 2, 2002

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|---------------------------|
| JEROME SMITH, | : | |
| Plaintiff | : | Civil No. 1:CV-01-1026 |
| | : | |
| v. | : | |
| | : | (Judge Rambo) |
| UNITED STATES OF AMERICA, | : | (Magistrate Judge Smyser) |
| Defendants | : | |

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on January 2, 2002, she served a copy of the attached

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Jerome Smith
Reg. No. 19145-018
FPC Allenwood
P.O. Box 1000
Montgomery, PA 17752


ANITA L. LIGHTNER
Paralegal Specialist